

**MACOMB COUNTY BOARD OF COMMISSIONERS
FULL BOARD SPECIAL MEETING
APRIL 12, 2006**

The Macomb County Board of Commissioners met at 11:35 a.m. on April 12, 2006 at the Macomb County Board of Commissioners Boardroom, Mount Clemens. Chair White called the meeting to order and the following members were present:

Andrey Duzyj	District 1
Marvin Sauger	District 2
Phillip A. DiMaria	District 3
Jon Switalski	District 4
Susan L. Doherty	District 5
Joan Flynn	District 6
Sue Rocca	District 7
James E. McCarthy	District 8
Robert Mijac	District 9
Phillis DeSaele	District 10
Ed Szczepanski	District 11
Peter J. Lund	District 12
Don Brown	District 13
Brian Brdak	District 14
Keith Rengert	District 15
William J. Revoir	District 16
Bobby L. Hill	District 17
Bob Gibson	District 18
Paul Gielegem	District 19
Nancy M. White	District 20
Leonard Haggerty	District 21
Elizabeth Slinde	District 22
William A. Crouchman	District 23
Kathy Vosburg	District 25
Nicholyn Brandenburg	District 26

Commissioners' Hill, Haggerty and Brandenburg absent and excused.

AGENDA

A **MOTION** to Adopt the Agenda, was made by Commissioner Duzyj, supported by Commissioner Revoir, and the **MOTION CARRIED.**

PUBLIC PARTICIPATION

Christie McGilebray (in audible), 19 Hollywood Court, Mt. Clemens

Eric Douglas, 38671 Byriver Clinton Township

Sarah Metzler, 26620 Kathy, Roseville

Donna Cangelosi, 36643 Tessens, Clinton Township

Mary Beth Paisley, 58511 Frost, Lenox

Carl Etue, 38871 Red Oaks Drive, Clinton Township

Micki Ludeman, 59400 Frost, Lenox
David Marry, 60737 Frost, Lenox

All spoke in opposition of the expansion of this landfill.

Commissioner Rengert gave a little history on Pine Tree Acres Landfill and brief history of how things occurred with respect to landfill.

A **MOTION** was made by Commissioner Szczepanski, supported by Commissioner Brown, to approve County Host Agreement with Waste Management.

A **MOTION TO AMEND** was made by Commissioner Gieleghem, as follows: ***add new Section 5.03. After the Commencement date, the Company shall reduce the amount of Canadian Waste disposed of in the Landfill by 10% annually,*** supported by Commissioner Brdak.

Commissioner Gieleghem explained in detail the reason for his amendment.

A discussion ensued.

A **MOTION FOR EXECUTIVE SESSION** was made by Commissioner Slinde, supported by Commissioner Duzyj.

ROLL CALL

	YES	NO
BRANDENBURG	<i>ABSENT</i>	
BRDAK		X
BROWN	X	
CROUCHMAN		X
DESAELE	X	
DI MARIA		X
DOHERTY	X	
DUZYJ	X	
FLYNN	X	
GIBSON		X
GIELEGHEM		X
HAGGERTY	<i>ABSENT</i>	
HILL	<i>ABSENT</i>	
KENNARD	X	
MCCARTHY	X	
LUND		X
MIJAC		X
RENGERT	X	
REVOIR	X	
ROCCA		X
SAUGER	X	
SLINDE	X	

SWITALSKI		X	
SZCZEPANSKI		X	
VOSBURG	X		
WHITE	X		
TOTAL	13	10	

THE MOTION FAILS.

The discussion continued on Commissioner Gieleghem's motion to amend.

A **SUBSTITUTE MOTION** was made by Commissioner Kennard to direct corporation counsel to negotiate language consistent with the intent to define a measurable reduction of out-of-state waste annually, supported by Commissioner DeSaele.

Discussion continued.

Commissioner DeSaele withdrew her support of the substitute motion.
Commissioner Doherty supported.

ROLL CALL

	YES	NO
BRANDENBURG	<i>ABSENT</i>	
BRDAK		X
BROWN	X	
CROUCHMAN	X	
DESAELE	X	
DI MARIA		X
DOHERTY	X	
DUZYJ	X	
FLYNN	X	
GIBSON		X
GIELEGHEM		X
HAGGERTY	<i>ABSENT</i>	
HILL	<i>ABSENT</i>	
KENNARD	X	
McCARTHY	X	
LUND	X	
MIJAC		X
RENGERT	X	
REVOIR	X	
ROCCA		X
SAUGER	<i>ABSENT</i>	
SLINDE	X	
SWITALSKI		X

SZCZEPANSKI		X
VOSBURG	X	
WHITE	X	
TOTAL	14	8

THE SUBSTITUTE MOTION PASSES.

A **MOTION TO AMEND** was made by Commissioner Doherty to create a list of items to be negotiated by corporation counsel with Waste Management, supported by Commissioner Brown.

Continued discussion.

CALL FOR THE QUESTION was made by Commissioner DiMaria, a vote was taken, was 2/3's, and the debate ended.

ROLL CALL

	YES	NO
BRANDENBURG	<i>ABSENT</i>	
BRDAK		X
BROWN	X	
CROUCHMAN		X
DESAELE	X	
DI MARIA		X
DOHERTY	X	
DUZYJ	X	
FLYNN	X	
GIBSON		X
GIELEGHEM		X
HAGGERTY	<i>ABSENT</i>	
HILL	<i>ABSENT</i>	
KENNARD	X	
McCARTHY	X	
LUND	X	
MIJAC		X
RENGERT	X	
REVOIR	X	
ROCCA	X	
SAUGER	<i>ABSENT</i>	
SLINDE	X	
SWITALSKI		X
SZCZEPANSKI		X
VOSBURG	X	
WHITE	X	
TOTAL	14	8

THE MOTION TO AMEND PASSES.

A **MOTION TO AMEND** was made by Commissioner Switalski to add a new section, ***Section 5.05. Waste Management shall provide to the County calculations that provide the total capacity of the Landfill (including the Expansion) and the capacity corresponding to 25% guarantee for out of state and Canadian Waste. This Agreement will not take effect until the calculations have been provided to the county,*** supported by Commissioner Brown.

ROLL CALL

	YES	NO
BRANDENBURG	<i>ABSENT</i>	
BRDAK	X	
BROWN	X	
CROUCHMAN	X	
DESAELE	X	
DI MARIA	X	
DOHERTY	X	
DUZYJ	X	
FLYNN	X	
GIBSON	X	
GIELEGHEM	X	
HAGGERTY	<i>ABSENT</i>	
HILL	<i>ABSENT</i>	
KENNARD	X	
McCARTHY	X	
LUND	X	
MIJAC	X	
RENGERT	X	
REVOIR	X	
ROCCA	X	
SAUGER	<i>ABSENT</i>	
SLINDE	X	
SWITALSKI	X	
SZCZEPANSKI	X	
VOSBURG	X	
WHITE	X	
TOTAL	22	0

THE MOTION TO AMEND PASSES.

A **MOTION TO AMEND** was made by Commissioner Gibson to Section 5.09 as follows: ***Delete*** the first sentence. ***Add – The County shall have the right to a 5-year independent verification of the capacity of the landfill at the company’s expense,*** supported by Commissioner DiMaria.

FRIENDLY AMENDMENT

Commissioner Gielegem offered a Friendly Amendment to add the language to the amendment: **by a company of the counties choice**. Commissioner Gibson accepted the Friendly Amendment.

Motion to Amend with the Friendly Amendment:

A **MOTION TO AMEND** was made by Commissioner Gibson to Section 5.09 as follows: **Delete** the first sentence. **Add – The County shall have the right to a 5-year independent verification by a company of the counties choice, of the capacity of the landfill at the Company’s expense**, supported by Commissioner DiMaria.

THE MOTION CARRIED.

A **MOTION TO AMEND** was made by Commissioner Brdak to **add** to Exhibit A: **Section C. Commencing on the Commencement Date, the Company shall also pay an additional 25 cents/ton to establish a perpetual care fund to be maintained and administered by the County for the Landfill. This perpetual care fund shall not relieve the Company of any obligations it has under state and/or federal law regarding the operation and maintenance of the Landfill nor does it relieve the Company of any liability arising from its operation of the Landfill**, supported by Commissioner Di Maria.

FRIENDLY AMENDMENT

Commissioner Gielegem offered a Friendly Amendment to include the **language for out of state and Canadian trash**. Commissioner Brdak accepted the Friendly Amendment.

Motion to Amend with the Friendly Amendment:

A **MOTION TO AMEND** was made by Commissioner Brdak to **add** to Exhibit A: **Section C. Commencing on the Commencement Date, the Company shall also pay an additional 25 cents/ton to establish a perpetual care fund for out-of-state and Canadian trash to be maintained and administered by the County for the Landfill. This perpetual care fund shall not relieve the Company of any obligations it has under state and/or federal law regarding the operation and maintenance of the Landfill nor does it relieve the Company of any liability arising from its operation of the Landfill**, supported by Commissioner Di Maria.

Continued discussion.

Jill Smith, Corporation Council, indicated that Perpetual Care Fund is defined in the statute.

ROLL CALL

	YES	NO
BRANDENBURG		<i>ABSENT</i>
BRDAK	X	
BROWN	X	
CROUCHMAN	X	

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DESAELE	X	
DI MARIA	X	
DOHERTY	X	
DUZYJ	X	
FLYNN	X	
GIBSON	X	
GIELEGHEM	X	
HAGGERTY	<i>ABSENT</i>	
HILL	<i>ABSENT</i>	
KENNARD	X	
McCARTHY	X	
LUND		X
MIJAC	X	
RENGERT	X	
REVOIR	X	
ROCCA	X	
SAUGER	<i>ABSENT</i>	
SLINDE	X	
SWITALSKI	X	
SZCZEPANSKI		X
VOSBURG	X	
WHITE	X	
TOTAL	20	2

THE MOTION PASSES.

A **MOTION TO AMEND** was made by Commissioner Mijac, supported by Commissioner Doherty, to strike everything in Section 4.03 and ADD: In the event the Company breaches the capacity guaranty set forth in Section 4.10, the Company shall provide adequate disposal capacity, at its own expense, for County Solid Waste at an authorized out-of-county landfill. At no time shall this expense be passed through to Macomb County Communities.

A breach of the capacity guarantee will subject the Company to the following penalties:

- 1st Occurrence: 3 month moratorium on accepting Canadian Waste
- 2nd Occurrence: 6 month moratorium on accepting Canadian Waste
- 3rd Occurrence: 1 year moratorium on accepting Canadian Waste

Discussion continued.

Questions were put forth to Jill Smith, corporation council.

A **MOTION TO AMEND** was made by Commissioner Vosburg to strike from the amendment all language in paragraph two on, supported by Commissioner Flynn.

Commissioner Vosburg explained.

ROLL CALL

	YES	NO
BRANDENBURG	<i>ABSENT</i>	
BRDAK		X
BROWN	X	
CROUCHMAN		X
DESAELE	X	
DI MARIA		X
DOHERTY		X
DUZYJ		X
FLYNN	X	
GIBSON		X
GIELEGHEM		X
HAGGERTY	<i>ABSENT</i>	
HILL	<i>ABSENT</i>	
KENNARD		X
McCARTHY		X
LUND	X	
MIJAC		X
RENGERT	X	
REVOIR	X	
ROCCA		X
SAUGER	<i>ABSENT</i>	
SLINDE	X	
SWITALSKI		X
SZCZEPANSKI		X
VOSBURG	X	
WHITE	X	
TOTAL	9	13

THE MOTION FAILS.

A vote was taken on Commisioner Mijac's **MOTION TO AMEND**, and the **MOTION CARRIED**, with Commisioners' DeSaele, Flynn, Brown, Revoir, Szczepanski, Slinde, Rengert and Vosburg voting **NO**.

ROLL CALL VOTE ON THE MAIN MOTION AS AMENDED PENDING ALL AMENDMENTS BEING NEGOTIATED

	YES	NO
BRANDENBURG	<i>ABSENT</i>	
BRDAK	X	
BROWN	X	
CROUCHMAN	X	
DESAELE	X	

MACOMB COUNTY BOARD OF COMMISSIONERS - SPECIAL FULL BOARD
April 12, 2006

DI MARIA	X		
DOHERTY	X		
DUZYJ	X		
FLYNN	X		
GIBSON	X		
GIELEGHEM	X		
HAGGERTY	<i>ABSENT</i>		
HILL	<i>ABSENT</i>		
KENNARD	X		
McCARTHY	X		
LUND	X		
MIJAC	X		
RENGERT	X		
REVOIR	X		
ROCCA	X		
SAUGER	<i>ABSENT</i>		
SLINDE	X		
SWITALSKI	X		
SZCZEPANSKI	X		
VOSBURG	X		
WHITE	X		
TOTAL	22	0	

THE MOTION PASSES.

PUBLIC PARTICIPATION

None

ROLL CALL ATTENDANCE

Andrey Duzyj	District 1
Marvin Sauger	District 2
Phillip A. DiMaria	District 3
Jon Switalski	District 4
Susan L. Doherty	District 5
Joan Flynn	District 6
Sue Rocca	District 7
James E. McCarthy	District 8
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Nancy M. White	District 20
Leonard Haggerty	District 21
Elizabeth Slinde	District 22
William A. Crouchman	District 23
Peggy Kennard	District 24
Kathy Vosburg	District 25
Nicholyn Brandenburg	District 26

Commissioners' Sauger (excused early), Hill, Haggerty and Brandenburg absent and excused.

ADJOURNMENT

A **MOTION** TO ADJOURN WAS MADE BY COMMISSIONER DUZYJ, SUPPORTED BY COMMISSIONER REVOIR, AND THE **MOTION CARRIED.**

Chair White adjourned the meeting at 3:00 p.m., until the call of the Chair.

Nancy M. White, Chair
Carmella Sabaugh, Clerk